

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

942 CIVIL APPLICATION NO.3240 OF 2021
IN
FIRST APPEAL NO. 2365 OF 2020

NATIONAL INSURANCE CO. LTD.,
THROUGH ITS AUTHORIZED OFFICIAL, AURANGABAD

VERSUS

VAISHALI BHAIYYASAHEB DENGAL AND ORS

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Advocate for Applicant : Mr Aniruddha S. Usmanpurkar
Advocate for Respondent Nos. 1 to 5 : Mr S.S. Manale
Advocate for Respondent Nos.6 and 7 : Mr K.P. Lohade h/f Mr Sagar
Ladda

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 23rd NOVEMBER, 2021

PER COURT :

1. It is an application seeking permission to produce the document on record as additional evidence by taking aid of the provisions of Order 41 Rule 27 of the Civil Procedure Code.
2. Heard Mr Usmanpurkar, learned counsel for the appellant, Mr Manale, learned counsel for original claimants and Mr Lohade holding for Mr Sagar Ladda for respondent Nos. 6 and 7.
3. Perused the documents sought to be produced by way of additional evidence. The document sought to be produced is certified copy of a particular driving licence issued in favour of one Sarmail Singh S/o. Sajjan Singh/respondent No. 7 by R.T.O. Nagpur.

4. Having regard to the nature of dispute and the defence raised by the Insurance Company/appellant, it would be just and appropriate to allow this application without prejudice to the rights and interest of the opposite side and evidentiary value of the document in question.

ORDER

- (I) The civil application is allowed.
- (II) The applicant/appellant is permitted to place on record the document in question by way of additional evidence without prejudice to the rights and interest of the opposite party and subject to the evidentiary value according to the provisions of the Evidence Act.
- (III) The application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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